

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

IN RE

GERARDO MEJIAS DELGADO  
CANDIDA CRUZ MELENDEZ

DEBTORS

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CASE NO. 09-02351-BKT

CHAPTER 13

**DEBTORS' MOTION REQUESTING ORDER  
RE: AUTHORIZATION TO USE FUNDS FROM TAX REFUND**

TO THE HONORABLE COURT:

NOW COME, **GERARDO MEJIAS DELGADO** and **CANDIDA CRUZ MELENDEZ**, debtors, through the undersigned attorney, and very respectfully state and pray as follows:

1. The debtors' confirmed Plan dated November 3, 2009, provides that debtors' tax refunds will be paid into the Plan. See docket no. 31.

2. The debtors have received their 2011 tax refund in the sum of \$1,191.00. Attached is copy of the check issued by the Puerto Rico Treasury Department dated August 17, 2012.

3. The debtors respectfully submit to the Court that they need to use these funds to pay for: 2011 1040PR tax debt in the sum of \$726.73. Attached is copy of collection letter sent by Department of Treasury/Internal Revenue Service, dated August 6, 2012, and debtor need to use the tax refunds to repair their motor vehicle.

4. The debtors need to use the funds from the 2011 "tax refund" to pay for this reasonable expense. The debtors are living within a very "tight" budget which barely covers their daily expenses.

5. Based on the abovestated, the debtors respectfully request this Court to Order the authorization of the use of these funds to allow the debtors to pay for this expense with their 2011 "tax refund".

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Debtors' Motion Requesting Order  
Case no. 09-02351-BKT

**WHEREFORE**, debtors, through the undersigned attorney respectfully request that this Honorable Court grant the foregoing motion and allow the use of the funds from the 2011 tax refund by the debtors to pay for the above stated expenses.

**NOTICE:** Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006 (f) if you were served by mail, any party against whom this paper has been served, or any other party to the action that objects to the relief sought herein shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

I CERTIFY that on this same date a copy of this motion was filed with the Clerk of the Court using the CM/ECF system which will send notice of same to the Chapter 13 Trustee, Alejandro Oliveras Rivera, Esq.; I also certify that a copy of this motion was sent via US Mail to Gerardo Mejias Delgado and Candida Cruz Melendez HC 03 Box 37840 Caguas PR 00725.

**RESPECTFULLY SUBMITTED.** In San Juan, Puerto Rico, this 11<sup>th</sup> day of October, 2012.

*/s/ Roberto Figueroa Carrasquillo*

ROBERTO FIGUEROA CARRASQUILLO  
USDC #203614 ATTORNEY FOR PETITIONERS  
PO BOX 186 CAGUAS PR 00726  
TEL NO 787-744-7699 FAX 787-746-5294  
EMAIL: [rfigueroa@rfclawpr.com](mailto:rfigueroa@rfclawpr.com)

Modelo SC 784.3  
31-ENERO-2008

GOBIERNO DE PUERTO RICO  
HACIENDA

REINT  
2011

DIA	MES	ANO
17	08	12

FECHA EMISION

DIA	MES	ANO
17	02	13

VENCE EN

16766573  
NUMERO DE CHEQUE

UN MIL CIENTO NOVENTA Y UN DOLARES CON NO/100

GERARDO MEJIAS DELGADO Y  
CANDIDA CRUZ MELENDEZ

5884

BCF

SECRETARIO DE HACIENDA

IMPORTE  
\$\*\*\*\*\*1,191.00

⑈16766573⑈ ⑆021502118⑆ 3250401003⑈



Department of the Treasury  
Internal Revenue Service  
Philadelphia, PA 19154-0030

021214.227446.0121.003 1 AT 0.374 702



Aviso	CP601
Año Contributivo	2011
Fecha del aviso	06 de agosto de 2012
SSN	-5884
Para llamarnos	Teléfono 1-800-829-8374
ID del que llama	974765
Página	1 de 4



GERARDO MEJIAS & CANDIDA CRUZ  
HC 3 BOX 37840  
CAGUAS PR 00725-9718407

021214



Usted tiene contribuciones sin pagar del 2011

**Cantidad adeudada: \$726.73**

Nuestros archivos muestran que usted tiene contribuciones sin pagar para el año contributivo que termina el 31 de diciembre de 2011, Formulario 1040PR.

### Resumen de Facturación

Cantidad que adeuda	\$715.96
Multa de incumplimiento de pago	7.06
Intereses cargados	3.71
<b>Cantidad adeudada al 16 de agosto de 2012</b>	<b>\$726.73</b>

### Qué usted necesita hacer inmediatamente

#### Pague inmediatamente

- Envíenos la cantidad adeudada de \$726.73 para el 16 de agosto de 2012, para evitar multa adicional y cargos de intereses.

Continúa atrás...



GERARDO MEJIAS & CANDIDA CRUZ  
HC 3 BOX 37840  
CAGUAS PR 00725-9718407

Aviso	CP601
Fecha del aviso	6 de agosto de 2012
SSN	-5884

### Pago

INTERNAL REVENUE SERVICE  
KANSAS CITY, MO 64999-0202



**Cantidad adeudada para el  
16 de agosto de 2012**

**\$726.73**

- Haga su cheque o giro pagadero a "United States Treasury".
- Escriba su Número del Seguro Social ( -5884), el Año Contributivo (2011), y el número del formulario (1040PR) en su pago y cualquier correspondencia.

WESTERN AUTO CAGUAS #2 FIPS 0  
PLAZA DEL CARMEN S/C  
CAGUAS, PR 00725  
(787)744-8721

**INVOICE 0042649**

Scan to RESUME transaction



\*R773130042649\*

Vehicle \_\_\_\_\_

Mileage 1 Tag # \_\_\_\_\_ VIN \_\_\_\_\_

Tire Serial # 1 12 2 1

CANDIDA, CRUZ  
CA  
Caguas PR 00725  
(787)685-4867

Cust#: 7495168976		Salesperson: 94278		PO#:		Date: 8/31/2012		Time: 3:48PM	
QTY	SKU/CODE	TECH	DESCRIPTION	PART NO	VEHICLE	PRICE	EXTENDED T		
4	27010009		175/70R13 H550 WSTLK	1P31		63.99	255.96 *		
4	9801032		WHEEL BALANCE LIFETI			8.29	33.16 *		
4	2047397		1.25" CHROME VALVE S	T13WZS500G		2.98	11.92 *		
4	9806023		ROAD HAZARD - AT SAL			7.70	30.80		
4	82160027		TIRE DISPOSAL FEE	TIREDISP		1.70	6.80 *		
1	9801057		WHEEL ALIGN - 12M/12	LABOR16		73.99	73.99 *		
Taxable Total:				381.83					
Non Taxable Total:				30.80					
7.00%				26.73					
Total:				439.36					

\*\*\* THIS IS NOT A RECEIPT \*\*\*

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\*\*\* CUSTOMER COPY \*\*\*